

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 11-20551-21

PAUL KELLY,

Defendant.

**ORDER RECEIVING PSYCHOLOGICAL EVALUATION UNDER SEAL
AND DECLARING DEFENDANT COMPETENT TO STAND TRIAL**

On January 22, 2015, the court held a hearing to determine whether Defendant Paul Kelly is competent to stand trial. Prior to the hearing, the court received a psychiatric evaluation of Defendant, completed on November 18, 2014 by John W. Young, Jr., M.A., a psychology intern with the Mental Health Department of the Federal Medical Center in Butner, North Carolina, under the supervision of Jill R. Grant, Psy. D., a forensic psychologist. Counsel for the government and Kelly were present at the hearing, and Defendant and Young participated in the hearing telephonically.

In order to be adjudged competent to stand trial, “a defendant must have ‘sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding’ and ‘a rational as well as factual understanding of the proceedings against him.’” *Filiaggi v. Bagley*, 445 F.3d 851, 858 (6th Cir. 2006) (quoting *Dusky v. United States*, 362 U.S. 402, 402 (1960) (per curiam)). In light of these factors, Defendant’s psychiatric evaluation reports that “Mr. Kelly’s rational understanding of the proceedings appeared intact;” “Mr. Kelly has a good understanding of the charges

against him and the possible penalties if convicted;" "he has voiced his willingness to work with his attorney and is able to assist in his own defense;" and "[h]e is a good historian . . . [and] is capable of displaying appropriate courtroom behavior." Defendant's evaluators concluded "that Mr. Kelly has the capacity to permit trial to proceed."

At the hearing, Young confirmed his belief, based on Defendant's evaluation, that Defendant is competent to proceed with trial. Neither the government nor Defendant raised any objections to the report. Accordingly, for the reasons stated on the record and in this order,

IT IS ORDERED that Paul Kelly is DECLARED competent to stand trial.

IT IS FURTHER ORDERED that the Forensic Evaluation of Paul Kelly, completed on November 18, 2014 by John W. Young, Jr., M.A., under the supervision of Jill R. Grant, Psy. D., shall be entered in the record under seal.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: February 6, 2015

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, February 6, 2015, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522